

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6888

BILL NUMBER: SB 317

NOTE PREPARED: Dec 28, 2005

BILL AMENDED:

SUBJECT: Annual Review of Unpaid Restitution Orders.

FIRST AUTHOR: Sen. Mrvan

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a governmental entity that is the beneficiary of a criminal or juvenile restitution order issued by a state or federal court to annually file a payment status report with the State Board of Accounts. The bill provides that the report must include information on the status of the restitution order, including, if applicable, information concerning any arrearage.

The bill requires the State Board of Accounts to review the status of restitution orders when it conducts an audit of a governmental entity.

The bill also specifies that a court that issues a restitution order on behalf of a political subdivision must serve a copy of the restitution order on the fiscal officer of the political subdivision, and that a court that issues a restitution order on behalf of the state must serve a copy of the order on the Attorney General and the Auditor of State. The bill requires the issuing court to facilitate enforcement of the restitution order.

Effective Date: July 1, 2006.

Explanation of State Expenditures: The bill could have a minimal fiscal impact on governmental entities that are the beneficiary of a criminal or juvenile restitution order to produce and file an annual payment status report, and for the State Board of Accounts to review reports of beneficiary entities during audits. The hourly rate for audit time at the State Board of Accounts is about \$59.22 for FY 2006.

Explanation of State Revenues: There are no data to indicate how many restitution orders remain unpaid. Revenues for governmental entities that are the beneficiary of unpaid restitution orders could increase to the

extent that courts will have additional authority to enforce restitution orders including (1) issuing an order to show cause, (2) find a person in contempt of court, or (3) any other judicial action to facilitate compliance with the restitution order.

Explanation of Local Expenditures: Local entities that are beneficiaries of criminal or juvenile restitution orders would have to produce reports on the payment status of the restitution order and file a copy with the court and State Board of Accounts.

Explanation of Local Revenues: To the extent that a court would have more authority to enforce restitution orders, a local entity with unpaid restitution orders may have increased revenues.

Background Information: Under current law, a court can order a person who is on probation to pay restitution to a victim of a crime that was conducted by the person on probation. The money paid by the person can be either paid to the Indiana Criminal Justice Institute (ICJI) or to the clerk of the circuit court.

During CY 2004, trial courts reported receiving \$6.85 M in restitution from probationers to be forwarded to aggrieved parties. These numbers represent restitution paid by all adults and juveniles.

Restitution (In Millions) Collected From Offenders on Probation By Calendar Year				
<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
\$6.81	\$7.17	\$6.59	\$6.19	\$6.85

State Agencies Affected: State Board of Accounts; Criminal Justice Institute.

Local Agencies Affected: Trial Courts; Probation offices; Clerks of the circuit courts; Local units.

Information Sources: Criminal Justice Institute, *2004 Indiana Probation Report*.

Fiscal Analyst: Sarah Brooks, 317-232-9559.